



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

DIONNE DELLI-GATTI
Secretary

April 14, 2021


AMENDMENT NO. 1

AMENDMENT TO CONTRACT NUMBER 7749
BETWEEN
Town of Sunset Beach
AND THE
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

Pursuant to the North Carolina General Contract Terms and Conditions (Contractual and Consultant Services) Clause pertaining to Amendments of Contract No. 7749, the North Carolina Department of Environmental Quality and the Contractor mutually agree to change the contract ending date from 06/30/2021 to 06/30/2023. This no-cost time extension is to allow the Contractor to complete the project. Please see attachment A.

THE TOTAL AMOUNT PAYABLE UNDER THIS CONTRACT REMAINS THE SAME.

It is the intent of this amendment to address the provision(s) noted only, and in no way should this amendment be construed to further modify this contract. All other terms and conditions remain the same. Please indicate acceptance by your signature below.


Town of Sunset Beach

DocuSigned by:

AAEC872EA17A44F...
Tommy Kirby, Purchasing Director

Return one (1) original-signed documents to the address specified below for execution by the Department:

wanda.andrews@ncdenr.gov

This amendment when fully executed by all parties will be forwarded to the Contractor.

cc: Kevin Hart, NC DEQ Division of DWR

ORIGINAL



North Carolina Department of Environmental Quality
217 West Jones Street | 1601 Mall Service Center | Raleigh, North Carolina 27699-1601
919.707.8600

DEQ CONTRACT FORM - AGREEMENT INFORMATION

DEQ Division & Section: DWR/Directors Office		
Address (MSC/Street):	City	Zip
1617	Raleigh	27699
Contract Administrator (Technical expertise):		Kevin Hart
Phone No: 919-707-3607	E-mail address: Kevin.hart@ncdenr.gov	

Contract Coordinator (Contract Process expertise)		Susan Pope
Phone No: 919-707-9225	E-mail address: Susan.pope@ncdenr.gov	

PURCHASING AND CONTRACTS ONLY

FSD Purchasing Agent: _____
 Date Received: _____
 Requisition No: _____
 PO No: _____
 AMENDMENT NO: _____

CONTRACT INFORMATION:

Contractor: Town of Sunset Beach		Check one of the following: <input type="checkbox"/> Minority (51% owned) <input type="checkbox"/> Woman (51% owned) <input type="checkbox"/> Handicapped (51% owned) <input checked="" type="checkbox"/> None of the above
Contractor Key Contact / PI: Lisa Anglin		
Street/PO Box #: 700 Sunset Blvd. North		
City/State/Zip: Sunset Beach, NC 28468		
Phone No: 910-579-6297		
E-mail Address: langlin@sunsetbeachnc.gov		

Address (Mail Contract for Execution): (University? / N/A)		Address (checks are mailed if different from Contract Execution address):	
Name: Lisa Anglin		Name:	
Street/PO Box #: 700 Sunset Blvd. North		Street/PO Box #:	
City/State/Zip: Sunset Beach, NC 28468		City/State/Zip:	

Contract Period (Work cannot begin until fully executed contract is in place)		Start Date:	End Date:
DEQ Contract Amount (complete for initial contract request only): \$			
Amendment No: 1	Amendment Type:	No-Cost Time Extension <input checked="" type="checkbox"/>	Increase or Decrease Contract Amount: _____
		Revised Scope of Work Attached (check one): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	

(Required) Explain why amendment is necessary:

Due to Time delay in obtaining permits, construction will take longer than expected to be completed.

Time Extension from:	6/30/21	Time Extension to:	6/30/23
Amendment Amount: \$	Revised Contract Total (Initial contract amount plus all amendments):		\$

ENCUMBRANCE (Actual or Estimate Per FY):				UNENCUMBRANCE:			
FY ____ - \$ ____	Co: 1802	Acct: 536990	Center: 2182	PO Line ____ \$ ____	Co: ____	Acct: ____	Center: ____
FY ____ - \$ ____	Co: ____	Acct: ____	Center: ____	PO Line ____ \$ ____	Co: ____	Acct: ____	Center: ____
FY ____ - \$ ____	Co: ____	Acct: ____	Center: ____	PO Line ____ \$ ____	Co: ____	Acct: ____	Center: ____
FY ____ - \$ ____	Co: ____	Acct: ____	Center: ____	PO Line ____ \$ ____	Co: ____	Acct: ____	Center: ____

PAYMENT SCHEDULE (Check one):

<input checked="" type="checkbox"/>	Reimburse for allowable expenditures according to amount specified in Scope of Work / a minimum of 10% withheld until DEQ accepts final work.
<input type="checkbox"/>	Reimburse 90% of all invoices for allowable expenditures with 10% of each invoice withheld until DEQ accepts final work.
<input type="checkbox"/>	Reimburse actual invoices submitted with a minimum of 10% of DEQ Contract amount withheld until DEQ accepts final work.
<input type="checkbox"/>	A Lump sum payment when DEQ accepts contract fulfillment.
<input type="checkbox"/>	Other (Specify):

MANDATORY SIGNATURES:

By signature, I certify that the above budget information is correct, appropriately budgeted & currently available in the Division's budget as specified in the above encumbrance information.

DIVISION BUDGET OFFICER: Katherine Bullock 4/12/2021
 Signature Date

DIVISION DIRECTOR: Julie A. Goff 4/12/2021
 Signature Date



Attachment A Amd 1 NCE
DEQ Contract 7749

700 Sunset Boulevard North • Sunset Beach, NC 28468

Telephone: 910-579-6297 • Fax: 910-579-1840

Website: www.sunsetbeachnc.gov • Email: sunsetbeach@atmc.net

April 05, 2021

Kevin Hart
Coastal Infrastructure Project Manager
Division of Water Resources
North Carolina Department of Environmental Quality
1617 Mail Service Center
Raleigh, NC 27699

via email kevin.hart@ncdenr.gov

**RE: Grant Contract No 7749 – Town of Sunset Beach Shallow Draft Navigation Project
Request for Grant Extension**

Dear Mr. Hart,

On behalf of the Town of Sunset Beach (Town), please accept this request for an extension to grant number 7749 for the Town of Sunset Beach Shallow Draft Navigation project. The project has pushed forward since the grant inception in 2016, but now requires a second time extension to complete the construction activities. The Town anticipated completion of the work prior to March 2021, however, unanticipated permitting requirements have slowed the project progress. The regulatory issues appear to be resolved as the project has recently received the State of North Carolina CAMA Major Permit Modification and the state's 401 Water Quality Certification. Please find these documents attached for your reference. The final permit requirement, which consist of the USACE federal individual permit, should be issued within the next few weeks. Issuance of the last remaining permit will allow project construction prior to March 31, 2023. As such, the Town request the grant extension to allow for reimbursement of project related activities through June 30, 2023.

The Town has aggressively pursued alternatives to move the project forward, including extensive coordination with the environmental agencies and project stakeholders. However, due to the unique circumstances of Sunset Beach, this process has experienced a convoluted path. The navigation project will excavate beach compatible material from within the Tubbs Inlet littoral zone. In accordance with North Carolina General Statutes, this material must remain within the Tubbs Inlet system. Coupled with this requirement, the adjacent shorelines have maintained a relatively stable position and in some areas experienced accretion. As a result, the upland property owners have refused to allow the beach compatible material to be placed along the shorefront, on their private property. The most economical and environmental acceptable alternative for the Town to complete the project under this condition entails placing the material in the nearshore adjacent to Sunset Beach. The Town has spent over 12 months coordinating with the applicable environmental resource agencies, such as the State of North Carolina Division of Marine Fisheries, the North Carolina Wildlife Resource Commission, the North Carolina Division of Water Resources, and the North Carolina Division of Coastal Management and

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similar federal agencies to address the environmental concerns associated with nearshore placement. This work has resulted in an environmental acceptable alternative that will meet the project needs, but obviously has delayed project completion.

The anticipated schedule moving forward includes issuance of the federal individual permit prior to May 2021. Issuance of the federal permit will allow construction of the project to commence immediately. However, current environmental regulations require a dredging moratorium from April 1 to November 16 for this project. Thus, the project cannot be completed until at least the 2021 – 2022 dredge season. Furthermore, due to the project scope the project may not be completed until the 2022-2023 dredge season. The project requires removal of approximately 64,000 cubic yards (cyd) of material through mechanical dredging procedures. Typical rates for mechanical operations equal approximately 2,000 cyds per week. Therefore, the mechanical dredging operations could extend approximately 32 weeks. Assuming the mechanical operations initiate on November 16, 2021, the Town would have approximately 20 weeks to complete the project prior to March 31, 2022. Therefore, some construction activities could extend into the 2022-2023 dredge season. (Please note the project also entails some hydraulic dredging efforts, but these efforts will not be the driving force to complete the project.)

The Sunset Beach Shallow Draft Navigation project remains a vital component of the local economy and navigation goals established by the Town. In addition, the Town greatly appreciates the grant opportunity provided by the Division of Water Resources and will continue to keep your staff updated with the project status through monthly progress reports. As the representative agent for the Town, Moffatt & Nichol remains dedicated to assisting all project stakeholders accomplish this important priority to the Town and State of North Carolina. In that respect, please feel free to reach out if additional information would assist with the review and determination for the grant extension request.

Sincerely,
Town of Sunset Beach



Lisa Anglin
Assistant Town Administrator

cc. Tara Dropp, Finance Director, Town of Sunset Beach (tdropp@sunsetbeachnc.gov)
Katie Finegan, Assistant Project Manager, Moffatt & Nichol (kfinegan@moffattnichol.com)
Robert Neal, Project Manager, Moffatt & Nichol (Rneal@moffattnichol.com)

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